



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/P2
CMH&RAC:kjf:ph

stay RMR

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Insert Analysis

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. This bill transfers a number of attorney positions from DATCP, DOC, DFL, DHS, DNR, DRL, DOR, DOT, and OCI to the Division of Legal Services effective on July 1, 2010. The bill also creates an unclassified general counsel position in DOA, DATCP, DCF, the Department of Commerce, DOC, DFL, DHS, DNR, DRL, DOR, DOT, and OCI.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 2 SECTION 1. 15.103 (1g) of the statutes is created to read:
- 3 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
- 4 administration a division of legal services. The administrator of the division shall
- 5 be appointed by the secretary of administration in the unclassified service.

1 **SECTION 2.** 16.004 (15) of the statutes is created to read:

2 16.004 (15) **LEGAL SERVICES.** (a) In this subsection, "state agency" means an
3 office, commission, department, independent agency, or board in the executive
4 branch of state government, and includes the building commission.

5 (b) The department may provide legal services to state agencies. Annually, the
6 department shall assess each state agency for the cost of the legal services provided
7 to the state agency. The department shall credit all moneys received from state
8 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

9 **SECTION 3.** 20.505 (1) (kr) of the statutes is created to read:

10 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
11 against state agencies under s. 16.004 (15) (b) for legal services provided by the
12 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 4.** 230.08 (2) (e) 1. of the statutes is amended to read:

14 230.08 (2) (e) 1. Administration — 14 15.

15 **SECTION 5.** 230.08 (2) (eg) of the statutes is created to read:

16 230.08 (2) (eg) A general counsel position in each of the following agencies:

- 17 1. Department of administration.
- 18 2. Department of agriculture, trade and consumer protection.
- 19 3. Department of children and families.
- 20 4. Department of commerce.
- 21 5. Department of corrections.
- 22 6. Department of financial institutions.
- 23 7. Department of health services.

Insert 2-9

- Insert 3-5
- 1 8. Department of natural resources.
 - 2 9. Department of regulation and licensing.
 - 3 10. Department of revenue.
 - 4 11. Department of transportation.
 - 5 12. Office of the commissioner of insurance.

Insert 3-6

****NOTE: These positions are in the unclassified service; if an incumbent is retained in a position that is converted from classified to unclassified, case law indicates that his or her rights are grandfathered in. *Bahr v. State v. Investment Board*, 186 Wis. 2d 379, 521 N.W.2d 152 (Ct. App. 1994).

6 **SECTION 9157. Nonstatutory provisions; Other.**

7 (1) TRANSFER OF ATTORNEY POSITIONS.

8 (a) *State agency attorneys*. On the effective date of this paragraph the following
9 attorney positions are transferred to the division of legal services in the department
10 of administration:

****NOTE: Assuming an agency may have more attorney positions than those transferred here, should the secretary of administration identify which positions of those are to be transferred?

- 11 1. From the department of agriculture, trade and consumer protection, 1.5 FTE
12 positions.
- 13 2. From the department of corrections, 1.0 FTE position.
- 14 3. From the department of financial institutions, 1.5 FTE positions.
- 15 4. From the department of health services, 3.5 FTE positions.
- 16 5. From the department of natural resources, 3.0 FTE positions.
- 17 6. From the department of regulation and licensing, 2.0 FTE positions.
- 18 7. From the department of revenue, 2.5 FTE positions.
- 19 8. From the department of transportation, 1.5 FTE positions.
- 20 9. From the office of the commissioner of insurance, 1.5 FTE positions.

1 (b) *Incumbents.* All incumbent employees holding positions that are
2 transferred under paragraph (a) are transferred on the effective date of this
3 paragraph to the department of administration. Employees transferred under
4 paragraph (a) have all the rights and the same status under subchapter V of chapter
5 111 and chapter 230 of the statutes in the department of administration that they
6 enjoyed in their respective state agencies immediately before the transfer.
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 (c) *Materials.* On the effective date of this paragraph, all equipment, supplies,
10 and furniture required by employees transferred under paragraphs (a) are
11 transferred to the department of administration. The secretary of administration
12 shall identify the equipment, supplies, and furniture to be transferred.

13 **SECTION 9457. Effective dates; Other.**

14 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
15 (1g), 16.004 (15), 20.505 (1) (kr), and 230.08 (2) (e) 1. and (eg) of the statutes and
16 SECTION 9157 (1) of this act take effect on July 1, 2010.

****NOTE: Please let us know if this is the effective date you want.

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0863/lins
RAC::

Insert Analysis:

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary of administration to transfer from any such state agency any vacant attorney or legal staff position to the Division of Legal Services. The bill also creates an unclassified general counsel position in DOA, DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, OCI, the Office of State Employment Relations, and the PSC. Finally, the bill requires the secretary of administration to eliminate 14 attorney positions in executive branch state agencies before July 1, 2010.

Insert 2-9:

(c) The secretary may transfer from any state agency any vacant attorney or legal staff position to the division of legal services. The authorized full-time equivalent positions to the department, funded from the appropriation account under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions transferred under this paragraph. The authorized full-time equivalent positions of a state agency from which a transfer is made are decreased by the number of full-time equivalent positions transferred from that state agency under this paragraph.

SECTION 1. 16.505 (1) (intro.) of the statutes is amended to read:

16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p) and s. 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:

History: 1977 c. 196, 418; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1987 a. 27; 1989 a. 31, 127; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1997 a. 27; 2001 a. 16, 109; 2005 a. 25.

Insert 3-5:

13. Office of state employment relations.

14. Public service commission.

Insert 3-6:

~~(b)~~ ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

(a) In this subsection, "state agency" means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.

(b) Before July 1, 2010, the secretary of administration shall eliminate 14.0 FTE attorney positions in state agencies. The authorized FTE positions of a state agency in which attorney positions are eliminated are decreased by the number of FTE positions eliminated from that state agency under this paragraph.

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Thursday, January 22, 2009 10:39 AM
To: Champagne, Rick
Subject: RE: Attorney consolidation

Hi Rick -

I got the newest draft and can you make one modification? DOA should not increase the number of authorized Division Administrators. The agency will reallocate/reorganize to free up an existing DA position.

Thanks,
Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Friday, January 16, 2009 3:22 PM
To: Champagne, Rick - LEGIS
Subject: Re: Attorney consolidation

Hi Rick -

I have a series of changes we'd like for the attorney draft.

1. Please add 1.0 unclassified general legal counsel position each to OSER and PSC.
2. Please delete the non-stat language on the transfer of attorneys.
3. Require that by June 30, 2010, the Secretary of Administration shall identify and delete 14.0 attorney positions.
4. Grant the Secretary of Administration the authority to review each legal services (attorney and attorney support) position that becomes vacant in an agency and transfer that position to the DOA Legal Services division.

Let me know if you have any questions.

Cindy

From: Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]
Sent: Monday, November 24, 2008 10:49 AM
To: Dombrowski, Cynthia A - DOA
Cc: Pawasarat, Jane - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-0863/P2 Attorney consolidation

Following is the PDF version of draft 09-0863/P2.

01/22/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/12
CMH&RAC:kjf:ff

RMR

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- do not gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary of administration to transfer from any such state agency any vacant attorney or legal staff position to the Division of Legal Services. The bill also creates an unclassified general counsel position in DOA, DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, OCI, the Office of State Employment Relations, and the PSC. Finally, the bill requires the secretary of administration to eliminate 14 attorney positions in executive branch state agencies before July 1, 2010.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.103 (1g) of the statutes is created to read:

1 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
2 administration a division of legal services. ~~The administrator of the division shall~~
3 ~~be appointed by the secretary of administration in the unclassified service.~~

4 **SECTION 2.** 16.004 (15) of the statutes is created to read:

5 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
6 office, commission, department, independent agency, or board in the executive
7 branch of state government, and includes the building commission.

8 (b) The department may provide legal services to state agencies. Annually, the
9 department shall assess each state agency for the cost of the legal services provided
10 to the state agency. The department shall credit all moneys received from state
11 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

12 (c) The secretary may transfer from any state agency any vacant attorney or
13 legal staff position to the division of legal services. The authorized full-time
14 equivalent positions to the department, funded from the appropriation account
15 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
16 transferred under this paragraph. The authorized full-time equivalent positions of
17 a state agency from which a transfer is made are decreased by the number of
18 full-time equivalent positions transferred from that state agency under this
19 paragraph.

20 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

21 16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p) and s.
22 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source
23 or type, may be created or abolished unless authorized by one of the following:

24 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

20.505 (1) (kr) *Legal services*. All moneys received from assessments levied against state agencies under s. 16.004 (15) (b) for legal services provided by the department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — 14 15.

SECTION 6. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of administration.
2. Department of agriculture, trade and consumer protection.
3. Department of children and families.
4. Department of commerce.
5. Department of corrections.
6. Department of financial institutions.
7. Department of health services.
8. Department of natural resources.
9. Department of regulation and licensing.
10. Department of revenue.
11. Department of transportation.
12. Office of the commissioner of insurance.
13. Office of state employment relations.
14. Public service commission.

SECTION 9157. Nonstatutory provisions; Other.

(1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

(a) In this subsection, “state agency” means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.

(b) Before July 1, 2010, the secretary of administration shall eliminate 14.0 FTE attorney positions in state agencies. The authorized FTE positions of a state agency in which attorney positions are eliminated are decreased by the number of FTE positions eliminated from that state agency under this paragraph.

(END)

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Thursday, January 22, 2009 11:29 AM
To: Champagne, Rick
Subject: RE: Attorney consolidation

One last change ☺ Can you not give DOA an unclassified GLC for the reason below but please give one to the Department of Workforce Development?

Hopefully this will be the last change.

Thanks!

Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Thursday, January 22, 2009 10:39 AM
To: Champagne, Rick - LEGIS
Subject: RE: Attorney consolidation

Hi Rick -

I got the newest draft and can you make one modification? DOA should not increase the number of authorized Division Administrators. The agency will reallocate/reorganize to free up an existing DA position.

Thanks,
Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Friday, January 16, 2009 3:22 PM
To: Champagne, Rick - LEGIS
Subject: Re: Attorney consolidation

Hi Rick -

I have a series of changes we'd like for the attorney draft.

1. Please add 1.0 unclassified general legal counsel position each to OSER and PSC.
2. Please delete the non-stat language on the transfer of attorneys.
3. Require that by June 30, 2010, the Secretary of Administration shall identify and delete 14.0 attorney positions.
4. Grant the Secretary of Administration the authority to review each legal services (attorney and attorney support) position that becomes vacant in an agency and transfer that position to the DOA Legal Services division.

Let me know if you have any questions.

Cindy

From: Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]
Sent: Monday, November 24, 2008 10:49 AM
To: Dombrowski, Cynthia A - DOA
Cc: Pawasarat, Jane - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-0863/P2 Attorney consolidation

Following is the PDF version of draft 09-0863/P2.

01/22/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/2
CMH&RAC:kjfrs

3

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- do not gen -

DWD,

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

X This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary of administration to transfer from any such state agency any vacant attorney or legal staff position to the Division of Legal Services. The bill also creates an unclassified general counsel position in ~~DOA~~ DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, OCI, the Office of State Employment Relations, and the PSC. Finally, the bill requires the secretary of administration to eliminate 14 attorney positions in executive branch state agencies before July 1, 2010.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 15.103 (1g) of the statutes is created to read:

3 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
4 administration a division of legal services.

1 **SECTION 2.** 16.004 (15) of the statutes is created to read:

2 16.004 (15) **LEGAL SERVICES.** (a) In this subsection, "state agency" means an
3 office, commission, department, independent agency, or board in the executive
4 branch of state government, and includes the building commission.

5 (b) The department may provide legal services to state agencies. Annually, the
6 department shall assess each state agency for the cost of the legal services provided
7 to the state agency. The department shall credit all moneys received from state
8 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

9 (c) The secretary may transfer from any state agency any vacant attorney or
10 legal staff position to the division of legal services. The authorized full-time
11 equivalent positions to the department, funded from the appropriation account
12 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
13 transferred under this paragraph. The authorized full-time equivalent positions of
14 a state agency from which a transfer is made are decreased by the number of
15 full-time equivalent positions transferred from that state agency under this
16 paragraph.

17 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

18 16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p) and s.
19 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source
20 or type, may be created or abolished unless authorized by one of the following:

21 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

22 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
23 against state agencies under s. 16.004 (15) (b) for legal services provided by the
24 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

~~1. Department of administration.~~

2. Department of agriculture, trade and consumer protection.

3. Department of children and families.

4. Department of commerce.

5. Department of corrections.

6. Department of financial institutions.

7. Department of health services.

8. Department of natural resources.

9. Department of regulation and licensing.

10. Department of revenue.

11. Department of transportation.

12. Office of the commissioner of insurance.

13. Office of state employment relations.

14. Public service commission.

SECTION 9157. Nonstatutory provisions; Other.

(1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

(a) In this subsection, "state agency" means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.

(b) Before July 1, 2010, the secretary of administration shall eliminate 14.0 FTE attorney positions in state agencies. The authorized FTE positions of a state

11. Department of workforce development.

1 agency in which attorney positions are eliminated are decreased by the number of
2 FTE positions eliminated from that state agency under this paragraph.

3 (END)

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Thursday, January 22, 2009 4:32 PM
To: Champagne, Rick
Subject: RE: Attorney consolidation

Famous last words. One more change.

Can you change the date for the deletion of the 14 positions to the end of the biennium (before July 1 2011)?

Thanks,
Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Thursday, January 22, 2009 11:29 AM
To: Champagne, Rick - LEGIS
Subject: RE: Attorney consolidation

One last change ☺ Can you not give DOA an unclassified GLC for the reason below but please give one to the Department of Workforce Development?

Hopefully this will be the last change.

Thanks!

Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Thursday, January 22, 2009 10:39 AM
To: Champagne, Rick - LEGIS
Subject: RE: Attorney consolidation

Hi Rick -

I got the newest draft and can you make one modification? DOA should not increase the number of authorized Division Administrators. The agency will reallocate/reorganize to free up an existing DA position.

Thanks,
Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Friday, January 16, 2009 3:22 PM
To: Champagne, Rick - LEGIS
Subject: Re: Attorney consolidation

Hi Rick -

I have a series of changes we'd like for the attorney draft.

1. Please add 1.0 unclassified general legal counsel position each to OSER and PSC.
2. Please delete the non-stat language on the transfer of attorneys.

01/23/2009

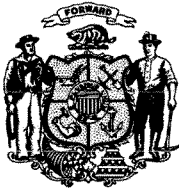
3. Require that by June 30, 2010, the Secretary of Administration shall identify and delete 14.0 attorney positions.
4. Grant the Secretary of Administration the authority to review each legal services (attorney and attorney support) position that becomes vacant in an agency and transfer that position to the DOA Legal Services division.

Let me know if you have any questions.

Cindy

From: Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]
Sent: Monday, November 24, 2008 10:49 AM
To: Dombrowski, Cynthia A - DOA
Cc: Pawasarat, Jane - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-0863/P2 Attorney consolidation

Following is the PDF version of draft 09-0863/P2.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/3 14
CMH&RAC:kjf:rs

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

- do not gen

2011

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary of administration to transfer from any such state agency any vacant attorney or legal staff position to the Division of Legal Services. The bill also creates an unclassified general counsel position in DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, DWD, OCI, the Office of State Employment Relations, and the PSC. Finally, the bill requires the secretary of administration to eliminate 14 attorney positions in executive branch state agencies before July 1, 2010.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.103 (1g) of the statutes is created to read:

3 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
4 administration a division of legal services.

1 **SECTION 2.** 16.004 (15) of the statutes is created to read:

2 **16.004 (15) LEGAL SERVICES.** (a) In this subsection, "state agency" means an
3 office, commission, department, independent agency, or board in the executive
4 branch of state government, and includes the building commission.

5 (b) The department may provide legal services to state agencies. Annually, the
6 department shall assess each state agency for the cost of the legal services provided
7 to the state agency. The department shall credit all moneys received from state
8 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

9 (c) The secretary may transfer from any state agency any vacant attorney or
10 legal staff position to the division of legal services. The authorized full-time
11 equivalent positions to the department, funded from the appropriation account
12 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
13 transferred under this paragraph. The authorized full-time equivalent positions of
14 a state agency from which a transfer is made are decreased by the number of
15 full-time equivalent positions transferred from that state agency under this
16 paragraph.

17 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

18 16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p) and s.
19 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source
20 or type, may be created or abolished unless authorized by one of the following:

21 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

22 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
23 against state agencies under s. 16.004 (15) (b) for legal services provided by the
24 department of administration to be used for providing those legal services.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of agriculture, trade and consumer protection.

2. Department of children and families.

3. Department of commerce.

4. Department of corrections.

5. Department of financial institutions.

6. Department of health services.

7. Department of natural resources.

8. Department of regulation and licensing.

9. Department of revenue.

10. Department of transportation.

11. Department of workforce development.

12. Office of the commissioner of insurance.

13. Office of state employment relations.

14. Public service commission.

SECTION 9157. Nonstatutory provisions; Other.

(1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

(a) In this subsection, "state agency" means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.

(b) Before July 1, ~~2010~~²⁰¹¹, the secretary of administration shall eliminate 14.0 FTE attorney positions in state agencies. The authorized FTE positions of a state

1 agency in which attorney positions are eliminated are decreased by the number of
2 FTE positions eliminated from that state agency under this paragraph.

3 (END)

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Monday, January 26, 2009 11:17 AM
To: Champagne, Rick
Subject: RE: Attorney consolidation

One more change ☺

Can you limit the broad transfer of vacant attorney / support staff language to include only those agencies who are receiving an unclassified general legal counsel position?

Thanks
Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Thursday, January 22, 2009 4:32 PM
To: Champagne, Rick - LEGIS
Subject: RE: Attorney consolidation

Famous last words. One more change.

Can you change the date for the deletion of the 14 positions to the end of the biennium (before July 1 2011)?

Thanks,
Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Thursday, January 22, 2009 11:29 AM
To: Champagne, Rick - LEGIS
Subject: RE: Attorney consolidation

One last change ☺ Can you not give DOA an unclassified GLC for the reason below but please give one to the Department of Workforce Development?

Hopefully this will be the last change.

Thanks!

Cindy

From: Dombrowski, Cynthia A - DOA
Sent: Thursday, January 22, 2009 10:39 AM
To: Champagne, Rick - LEGIS
Subject: RE: Attorney consolidation

Hi Rick -

I got the newest draft and can you make one modification? DOA should not increase the number of authorized Division Administrators. The agency will reallocate/reorganize to free up an existing DA position.

Thanks,
Cindy

01/26/2009

From: Dombrowski, Cynthia A - DOA
Sent: Friday, January 16, 2009 3:22 PM
To: Champagne, Rick - LEGIS
Subject: Re: Attorney consolidation

Hi Rick -

I have a series of changes we'd like for the attorney draft.

1. Please add 1.0 unclassified general legal counsel position each to OSER and PSC.
2. Please delete the non-stat language on the transfer of attorneys.
3. Require that by June 30, 2010, the Secretary of Administration shall identify and delete 14.0 attorney positions.
4. Grant the Secretary of Administration the authority to review each legal services (attorney and attorney support) position that becomes vacant in an agency and transfer that position to the DOA Legal Services division.

Let me know if you have any questions.

Cindy

From: Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]
Sent: Monday, November 24, 2008 10:49 AM
To: Dombrowski, Cynthia A - DOA
Cc: Pawasarat, Jane - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-0863/P2 Attorney consolidation

Following is the PDF version of draft 09-0863/P2.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/A
CMH&RAC:kjf:md

Stays

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

and permits the secretary of administration to transfer vacant attorney and legal staff positions from these state agencies to the Division of Legal Services

do not join

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary of administration to transfer from any such state agency any vacant attorney or legal staff position to the Division of Legal Services. The bill also creates an unclassified general counsel position in DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, DWD, OCI, the Office of State Employment Relations, and the PSC. Finally, the bill requires the secretary of administration to eliminate 14 attorney positions in executive branch state agencies before July 1, 2011.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 2 **SECTION 1.** 15.103 (1g) of the statutes is created to read:
- 3 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
- 4 administration a division of legal services.

1 **SECTION 2.** 16.004 (15) of the statutes is created to read:

2 **16.004 (15) LEGAL SERVICES.** (a) In this subsection, "state agency" means an
3 office, commission, department, independent agency, or board in the executive
4 branch of state government, and includes the building commission.

5 (b) The department may provide legal services to state agencies. Annually, the
6 department shall assess each state agency for the cost of the legal services provided
7 to the state agency. The department shall credit all moneys received from state
8 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

9 (c) The secretary may transfer from any state agency any vacant attorney or
10 legal staff position to the division of legal services. The authorized full-time
11 equivalent positions to the department, funded from the appropriation account
12 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
13 transferred under this paragraph. The authorized full-time equivalent positions of
14 a state agency from which a transfer is made are decreased by the number of
15 full-time equivalent positions transferred from that state agency under this
16 paragraph.

17 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

18 **16.505 (1) (intro.)** Except as provided in subs. (2), (2m), (2n), and (2p) and s.
19 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source
20 or type, may be created or abolished unless authorized by one of the following:

21 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

22 **20.505 (1) (kr) Legal services.** All moneys received from assessments levied
23 against state agencies under s. 16.004 (15) (b) for legal services provided by the
24 department of administration to be used for providing those legal services.

that is assigned an unclassified general counsel position under s. 230.03(2)(eg)

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of agriculture, trade and consumer protection.

2. Department of children and families.

3. Department of commerce.

4. Department of corrections.

5. Department of financial institutions.

6. Department of health services.

7. Department of natural resources.

8. Department of regulation and licensing.

9. Department of revenue.

10. Department of transportation.

11. Department of workforce development.

12. Office of the commissioner of insurance.

13. Office of state employment relations.

14. Public service commission.

SECTION 9157. Nonstatutory provisions; Other.

(1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

(a) In this subsection, "state agency" means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.

(b) Before July 1, 2011, the secretary of administration shall eliminate 14.0 FTE attorney positions in state agencies. The authorized FTE positions of a state

SECTION 9157

1 agency in which attorney positions are eliminated are decreased by the number of
2 FTE positions eliminated from that state agency under this paragraph.

3 (END)

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Wednesday, January 28, 2009 2:55 PM
To: Champagne, Rick
Cc: Pawasarat, Jane - DOA
Subject: Attorney Reorg Changes

Hi Rick -

As per my voice mail, there are 3 more changes for the attorney consolidation.

- ✓1. Please add back DOA to the list of agencies receiving an unclassified general legal counsel position.
- ✓2. Modify the vacant attorney reduction to 15, rather than 14.
3. Please add nonstat language that says the unclassified positions are vacant at creation. Related, please add language (under 15.05(3)?) saying that the secretary of the departments receiving a general counsel position are the appointing authority for the unclassified position. (maybe similar to the language for appointing the executive assistant position?)

Let me know if you have any questions or wish to discuss.

Thanks,
Cindy

01/28/2009



D. K. Kelly
State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0863/5/6
CMH&RAC:kjf:ph

RMR

DOA:.....Dombrowski, BB0232 - Attorney consolidation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

*do not
gen.*

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

DOA,

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, and permits the secretary. The bill also creates an unclassified general counsel position in DATCP, DCF, the Department of Commerce, DOC, DFI, DHS, DNR, DRL, DOR, DOT, DWD, OCI, the Office of State Employment Relations, and the PSC and permits the secretary of administration to transfer vacant attorney and legal staff positions from these state agencies to the Division of Legal Services. Finally, the bill requires the secretary of administration to eliminate 14 attorney positions in executive branch state agencies before July 1, 2011.

15

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 15.103 (1g) of the statutes is created to read:

1 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
2 administration a division of legal services.

3 **SECTION 2.** 16.004 (15) of the statutes is created to read:

4 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
5 office, commission, department, independent agency, or board in the executive
6 branch of state government, and includes the building commission.

7 (b) The department may provide legal services to state agencies. Annually, the
8 department shall assess each state agency for the cost of the legal services provided
9 to the state agency. The department shall credit all moneys received from state
10 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

11 (c) The secretary may transfer from any state agency that is assigned an
12 unclassified general counsel position under s. 230.08 (2) (eg) any vacant attorney or
13 legal staff position to the division of legal services. The authorized full-time
14 equivalent positions to the department, funded from the appropriation account
15 under s. 20.505 (1) (kr), are increased by the number of full-time equivalent positions
16 transferred under this paragraph. The authorized full-time equivalent positions of
17 a state agency from which a transfer is made are decreased by the number of
18 full-time equivalent positions transferred from that state agency under this
19 paragraph.

20 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

21 16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p) and s.
22 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding source
23 or type, may be created or abolished unless authorized by one of the following:

24 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

1 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
2 against state agencies under s. 16.004 (15) (b) for legal services provided by the
3 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 5.** 230.08 (2) (eg) of the statutes is created to read:

5 230.08 (2) (eg) A general counsel position in each of the following agencies:

6 1. Department of agriculture, trade and consumer protection.
 L2

7 2. Department of children and families.
 L3

8 3. Department of commerce.
 L4

9 4. Department of corrections.
 L5

10 5. Department of financial institutions.
 L6

11 6. Department of health services.
 L7

12 7. Department of natural resources.
 L8

13 8. Department of regulation and licensing.
 L9

14 9. Department of revenue.
 L10

15 10. Department of transportation.
 L11

16 11. Department of workforce development.
 L12

17 12. Office of the commissioner of insurance.
 L13

18 13. Office of state employment relations.
 L14

19 14. Public service commission.
 L15

20 **SECTION 9157. Nonstatutory provisions; Other.**

21 (1) ELIMINATION OF STATE AGENCY ATTORNEY POSITIONS.

1. Department of administration.

1 (a) In this subsection, "state agency" means an office, commission, department,
2 independent agency, or board in the executive branch of state government, and
3 includes the building commission.

4 (b) Before July 1, 2011, the secretary of administration shall eliminate ^{15.0}~~14.0~~
5 FTE attorney positions in state agencies. The authorized FTE positions of a state
6 agency in which attorney positions are eliminated are decreased by the number of
7 FTE positions eliminated from that state agency under this paragraph.

8 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0863/6dn
CMH&RAC:kjf:ph

Date

Cindy Dombrowski:

Just to keep the draft moving along, I added an unclassified general counsel position at DOA and increased the reductions in attorney positions to 15.0 FTE. I will address the remaining issues on the next version.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0863/6dn
RAC:kjf:jf

January 29, 2009

Cindy Dombrowski:

Just to keep the draft moving along, I added an unclassified general counsel position at DOA and increased the reductions in attorney positions to 15.0 FTE. I will address the remaining issues on the next version.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov